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Mexico

Fresh Deciduous Fruit

Final Dumping Duties for Red & Golden Delicious Apples for NFE Members

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Report Highlights:

The Secretariat of Economy (SE) announced in the *Diario Oficial* (Federal Register), on November 2, 2006, the final anti-dumping duties for Red and Golden Delicious varieties from the United States for members of the Northwest Fruit Exporters (NFE). The 46.58 percent duty, determined in the initial dumping investigation, is still in place for other U.S. Red and Golden Delicious apple exporters that are not members of NFE.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1]
[MX]

Introduction: This report summarizes an announcement regarding a dumping duty resolution for apples from the Secretariat of Economy published in Mexico's "*Diario Oficial*" (Federal Register) on November 2, 2006.

Disclaimer: This summary is based on a *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.

Title: Final resolution of the antidumping investigation on the importation of Red Delicious apple varieties, their mutations, and Golden Delicious apples, and all products included in tariff line 0808.10.01 of the General Duties of Import and Export Tariff Law, originating and coming from the United States. This investigation calls for the reinstatement of the findings pronounced on October 28, 2003, by the First Administrative Matters Collegiate Tribunal of the First Circuit, in file R.A.431/2003-5523, relative to court injunction 1183/2002 brought forth by the Northwest Fruit Exporters (NFE).

FAS/Mexico's Executive Summary: The Secretariat of Economy (SE) announced in the *Diario Oficial* (Federal Register), on November 2, 2006, the final resolution to the antidumping investigation on Red and Golden Delicious varieties from the U.S. SE is imposing new duties as follows, and confirms other duties already in place.

Company	Duty %	Notes
Price Cold Storage and Packing Co. Inc.	6.40	November 2, 2006
Ralph E. Broetje – Broetje Orchards	8.04	November 2, 2006
Stadelman Fruit L.L.C.	30.79	November 2, 2006
Dovex Fruit Co.	31.19	November 2, 2006
Northern Fruit Co. Inc.	47.05	November 2, 2006
Other Northwest Fruit Exporters	47.05	November 2, 2006
Washington Export, LLC	0	As long as fruit is supplied by the two companies that provided information. *
Washington Fruit & Produce Co.	0	Subject to Aug. 12, 2002 determination.
Evans Fruit Co., Inc., and 11 R Sales, Inc	46.58	Subject to Aug. 12, 2002 determination.
Borton & Sons	46.58	Subject to Aug. 12, 2002 determination
C.M. Holtzinger Fruit Co., Inc.	0	SE will continue to review prices for the next three years. **

* **Washington Export , LLC.** – This company went through the new exporter procedure and SE granted a zero duty on April 15, 2005. However, since UNIFRUT did not agree with the way the investigation was conducted, a court injunction was requested by UNIFRUT against this resolution, which was granted on October 20, 2005, reverting duties to 46.58%. The final resolution of November 2, 2006, revokes this duty and grants Washington Export the zero duty as long as fruit is supplied by the two companies that supplied the original information.

** **C.M. Holtzinger Fruit Company Inc.** – A decision for a zero duty was published on September 12, 2006, in the Diario Oficial (Federal Register). On September 1, 2003, Holtzinger Company, along with 13 other companies, requested a review of the compensatory quota of 46.58 imposed on August 12, 2002. However, the other companies did not follow through with this appeal because they went through a court injunction procedure (Amparo) with NFE, and Holtzinger continued with the review by itself. The SE will continue to review prices from this company for the next consecutive 3 years on each September, according to their internal trade rules. The duty could increase if SE finds dumping prices in any given year.

The 46.58 percent duty, determined during the initial dumping investigation, is still in place for other U.S. Red and Golden Delicious apple exporters that are not members of NFE. U.S. apples that are not of the Red and Golden delicious varieties are not subject to any duty.

Important Dates

1. **Publication Date:** November 2, 2006.
2. **Effective Date:** November 3, 2006.

Additional Information: While the antidumping duty investigation for NFE members under the court injunction was carried out by SE, the following preliminary anti-dumping duties for Red and Golden Delicious varieties from the United States for NFE members listed in a previous official announcement (See MX5050) were in force since September 29, 2005 (See MX 5087):

COMPANY	DUTY %
Allen Bros Incorporated	10.53
Price Cold Storage and Packing Co.,Inc.	0
Zirkle Fruit Co.	2.01
All other exporting Companies affiliated with the Northwest Fruit Exporters	44.67

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FAS Mexico Web Site: We are available at <http://www.fas-la.com/mexico> or visit our headquarter's home page at <http://www.fas.usda.gov> for a complete selection of FAS' worldwide agricultural reporting.

Useful Mexican Web Sites: Mexico's equivalent of the Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx and Mexico's equivalent of the Department of Commerce (SE) can be found at www.economia.gob.mx. These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained on the mentioned sites.